

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TRAXXAS LP	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 2:14-cv-1005
v.	§	
	§	
HOBBYKING CORP. d/b/a	§	
HOBBYKING and HOBBYKING.COM,	§	JURY TRIAL DEMANDED
and HOBBYKING USA LLC,	§	
	§	
Defendants.	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Traxxas LP (“Plaintiff” or “Traxxas”) files this Original Complaint for Patent Infringement (“Complaint”) seeking injunctive and compensatory relief against Defendants HobbyKing Corp. d/b/a HobbyKing and HobbyKing.com (“HobbyKing Corp.”) and HobbyKing USA LLC (“HobbyKing LLC”) (collectively, “HobbyKing” or “Defendants”) for infringement of U.S. Patent Nos. 7,374,460 (the “460 patent”), 7,530,855 (the “855 patent”), 7,867,038 (the “038 patent”), and D573,536 (the “536 patent”) (collectively, the “Patents-in-Suit”). In support of its Complaint, Traxxas shows as follows:

PARTIES

1. Traxxas, LP is a Texas-based company that designs, develops and sells hobby-class remote-controlled vehicles.
2. Upon information and belief, HobbyKing Corp. is a foreign corporation organized and existing under the laws of the State of Delaware that does business in the State of Texas. Accordingly, HobbyKing Corp. may be served with process by serving its registered agent, Corporation Service Company located at 2711 Centerville Rd., Ste. 400, Wilmington, DE 19808,

or wherever else they may be found, with citation attached, or by certified mail, return receipt requested.

3. Upon information and belief, HobbyKing LLC is a limited liability company organized in the State of Washington that does business in the State of Texas. Accordingly, HobbyKing LLC may be served with process by serving its registered agent, Davies Pearson, P.C. located at 920 Fawcett Ave., Tacoma, WA 98402-5606 and/or Ronald Pickering located at PO Box 39513, Tacoma, WA 98496-3513, or wherever else they may be found, with citation attached, or by certified mail, return receipt requested.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, 35 U.S.C. § 101 *et seq.* This Court has original and exclusive jurisdiction over the subject matter of the Complaint pursuant to 28 U.S.C. §§1331 and 1338(a).

5. This Court has personal jurisdiction over Defendants in that they have committed acts within Texas and the Eastern District of Texas giving rise to this action. As set forth in this Complaint, Defendants have purposely transacted business involving their accused products in this judicial district by providing products for sale through online and hobby store distributors in the State of Texas and Eastern District of Texas that infringe one or more of the Patents-in-Suit.

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)-(c) and 1400(b), because Defendant has committed acts within this judicial district giving rise to this action and does business in this district.

FACTUAL ALLEGATIONS

7. The '460 patent entitled "Electrical Connector Assembly" was duly and legally issued by the United States Patent and Trademark Office on May 20, 2008, after full and fair examination. A copy of the '460 patent is attached hereto as Exhibit "A."

8. The '460 patent provides for an electrical connector comprising a housing forming a female receptacle for a male connector electrode.

9. The '855 patent entitled "Electrical Connector Assembly" was duly and legally issued by the United States Patent and Trademark Office on May 12, 2009, after full and fair examination. A copy of the '855 patent is attached hereto as Exhibit "B."

10. The '855 patent provides for an electrical connector comprising a housing forming a female receptacle for a male connector electrode.

11. The '038 patent entitled "Electrical Connector Assembly" was duly and legally issued by the United States Patent and Trademark Office on January 11, 2011, after full and fair examination. A copy of the '038 patent is attached hereto as Exhibit "C."

12. The '038 patent provides for an electrical connector comprising a housing forming a female receptacle for a male connector electrode.

13. The '536 patent entitled "Electrical Connector" was duly and legally issued by the United States Patent and Trademark Office on July 22, 2008, after full and fair examination. A copy of the '536 patent is attached hereto as Exhibit "D."

14. The '536 patent provides for the design of an electrical connector comprising a male connector electrode.

15. Traxxas has owned the Patents-in-Suit throughout the period of Defendants' infringing acts and still owns the patents. Traxxas is the sole owner of all rights, title, and

interest in the Patents-in-Suit, and possesses all rights of recovery, including the right to recover all past damages under the Patents-in-Suit.

16. Defendants manufacture and/or offer for sale radio controlled off-road and on-road cars and trucks; and various component parts and accessories—including electrical connectors and electrical connector assemblies—for use with radio control cars and trucks. Defendants offer for sale and sell their products through their online website, their own distribution facilities in the United States, and a network of dealers in the United States.

17. Defendants do business at the website www.hobbyking.com and its infringing products can be purchased within the Eastern District of Texas.

18. Defendants directly ship, distribute, offer for sale, sell, and advertise their infringing products and/or services in the United States, including within the State of Texas and the Eastern District of Texas.

19. Specifically, Defendants directly ship, distribute, offer for sale, sell, and advertise electrical connector assemblies and electrical connectors that are identical to or substantially equivalent to the claims in the Patents-in-Suit.

20. Upon information and belief, Defendants have sold the infringing electrical connector parts to customers located in the Eastern District of Texas.

CAUSES OF ACTION
COUNT I – INFRINGEMENT OF PATENT NO. 7,374,460

21. Traxxas realleges and incorporates by reference paragraphs 1-20 as if fully set forth herein.

22. Defendants have infringed, literally and/or under the doctrine of equivalents, and continue to directly infringe one or more claims of the ‘460 patent by, among other things,

making, manufacturing, importing, offering for sale, selling, and using electrical connector assemblies that embody the patented invention in the '460 patent in violation of 35 U.S.C. § 271.

23. Defendants manufacture and sell electrical connector assemblies. Some of the electrical connectors and assemblies manufactured and/or sold by Defendants for use in their remote controllable vehicles infringe the '460 patent, either literally or by the doctrine of equivalents, including the following products:

- a. Product ID: MF_adapters (marketed as "Mega-Adapter");
- b. Product ID: 258000130-0 (marketed as "Traxxas Male to T Plug Female 2pcs/bag");
- c. Product ID: TRA-M-WIR (marketed as "Traxxas plug Male 14awg 10cm");
- d. Product ID: TRA-F-WIR (marketed as "Traxxas plug Female 14awg 10cm"); and
- e. Product ID: AM-1015Cx10 (marketed as "Traxxas style Plug Male & Female (10pairs/set)").

24. Plaintiff's remedy by civil action for infringement is provided by 35 U.S.C. § 281.

25. Prior to the filing of this action, Plaintiff complied with 35 U.S.C. § 287 by placing a notice of the '460 patent on the electrical connectors it manufactures and sells.

26. Traxxas has been damaged as a result of Defendants' infringing conduct. Defendants are, therefore, liable to Traxxas in an amount that adequately compensates it for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

27. Defendants' infringement of the '460 patent is willful and deliberate, making this case exceptional pursuant to 35 U.S.C. § 285 and justifying treble damages by 35 U.S.C. § 284.

28. If it is determined that this case presents exceptional circumstances within the meaning of 35 U.S.C. § 285, Traxxas requests the Court to award it all reasonable attorneys' fees and costs incurred in this litigation and pre-judgment and post-judgment interest pursuant to 35 U.S.C. §§ 284 and 285.

COUNT II – INFRINGEMENT OF PATENT NO. 7,530,855

29. Traxxas realleges and incorporates by reference paragraphs 1-28 as if fully set forth herein.

30. Defendants have infringed, literally and/or under the doctrine of equivalents, and continue to directly infringe one or more claims of the ‘855 patent by, among other things, making, manufacturing, importing, offering for sale, selling, and using electrical connector assemblies that embody the patented invention in the ‘855 patent in violation of 35 U.S.C. § 271.

31. Defendants manufacture and sell electrical connector assemblies. Some of the electrical connectors and assemblies manufactured and/or sold by Defendants for use in their remote controllable vehicles infringe the ‘855 patent, either literally or by the doctrine of equivalents, including the following products:

- a. Product ID: MF_adapters (marketed as “Mega-Adapter”);
- b. Product ID: 258000130-0 (marketed as “Traxxas Male to T Plug Female 2pcs/bag”);
- c. Product ID: TRA-M-WIR (marketed as “Traxxas plug Male 14awg 10cm”);
- d. Product ID: TRA-F-WIR (marketed as “Traxxas plug Female 14awg 10cm”);
- and
- e. Product ID: AM-1015Cx10 (marketed as “Traxxas style Plug Male & Female (10pairs/set)”).

32. Plaintiff’s remedy by civil action for infringement is provided by 35 U.S.C. § 281.

33. Prior to the filing of this action, Plaintiff complied with 35 U.S.C. § 287 by placing a notice of the ‘855 patent on the electrical connectors it manufactures and sells.

34. Traxxas has been damaged as a result of Defendants’ infringing conduct. Defendants are, therefore, liable to Traxxas in an amount that adequately compensates it for Defendants’ infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

35. Defendants' infringement of the '855 patent is willful and deliberate, making this case exceptional pursuant to 35 U.S.C. § 285 and justifying treble damages by 35 U.S.C. § 284.

36. If it is determined that this case presents exceptional circumstances within the meaning of 35 U.S.C. § 285, Traxxas requests the Court to award it all reasonable attorneys' fees and costs incurred in this litigation and pre-judgment and post-judgment interest pursuant to 35 U.S.C. §§ 284 and 285.

COUNT III – INFRINGEMENT OF PATENT NO. 7,867,038

37. Traxxas realleges and incorporates by reference paragraphs 1-36 as if fully set forth herein.

38. Defendants have infringed, literally and/or under the doctrine of equivalents, and continue to directly infringe one or more claims of the '038 patent by, among other things, making, manufacturing, importing, offering for sale, selling, and using electrical connector assemblies that embody the patented invention in the '038 patent in violation of 35 U.S.C. § 271.

39. Defendants manufacture and sell electrical connector assemblies. Some of the electrical connectors and assemblies manufactured and/or sold by Defendants for use in their remote controllable vehicles infringe the '038 patent, either literally or by the doctrine of equivalents, including the following products:

- a. Product ID: MF_adapters (marketed as "Mega-Adapter");
- b. Product ID: 258000130-0 (marketed as "Traxxas Male to T Plug Female 2pcs/bag");
- c. Product ID: TRA-M-WIR (marketed as "Traxxas plug Male 14awg 10cm");
- d. Product ID: TRA-F-WIR (marketed as "Traxxas plug Female 14awg 10cm");
- and
- e. Product ID: AM-1015Cx10 (marketed as "Traxxas style Plug Male & Female (10pairs/set)").

40. Plaintiff's remedy by civil action for infringement is provided by 35 U.S.C. § 281.

41. Prior to the filing of this action, Plaintiff complied with 35 U.S.C. § 287 by placing a notice of the '038 patent on the electrical connectors it manufactures and sells.

42. Traxxas has been damaged as a result of Defendants' infringing conduct. Defendants are, therefore, liable to Traxxas in an amount that adequately compensates it for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

43. Defendants' infringement of the '038 patent is willful and deliberate, making this case exceptional pursuant to 35 U.S.C. § 285 and justifying treble damages by 35 U.S.C. § 284.

44. If it is determined that this case presents exceptional circumstances within the meaning of 35 U.S.C. § 285, Traxxas requests the Court to award it all reasonable attorneys' fees and costs incurred in this litigation and pre-judgment and post-judgment interest pursuant to 35 U.S.C. §§ 284 and 285.

COUNT IV – INFRINGEMENT OF PATENT NO. D573,536

45. Traxxas realleges and incorporates by reference paragraphs 1-44 as if fully set forth herein.

46. Defendants have infringed, literally and/or under the doctrine of equivalents, and continue to directly infringe the claim of the '576 patent by, among other things, making, manufacturing, importing, offering for sale, selling, and using electrical connector products with a design covered by the '536 patent that are substantially similar to and infringe the '536 patent in violation of 35 U.S.C. § 271.

47. Defendants manufacture and sell electrical connectors. Some of the electrical connectors manufactured and/or sold by Defendants for use in their remote controllable vehicles infringe the '536 patent, including the following products:

- a. Product ID: MF_adapters (marketed as “Mega-Adapter”);
- b. Product ID: 258000130-0 (marketed as “Traxxas Male to T Plug Female 2pcs/bag”);
- c. Product ID: TRA-M-WIR (marketed as “Traxxas plug Male 14awg 10cm”); and
- d. Product ID: AM-1015Cx10 (marketed as “Traxxas style Plug Male & Female (10pairs/set)”).

48. Plaintiff’s remedy by civil action for infringement is provided by 35 U.S.C. § 281 and § 289.

49. Prior to the filing of this action, Plaintiff complied with 35 U.S.C. § 287 by placing a notice of the ‘536 patent on the electrical connectors it manufactures and sells.

50. Traxxas has been damaged as a result of Defendants’ infringing conduct. Defendants are, therefore, liable to Traxxas in an amount that adequately compensates it for Defendants’ infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284 or disgorgement of Defendants’ profits as provided under 35 U.S.C. § 289.

51. Defendants’ infringement of the ‘536 patent is willful and deliberate, making this case exceptional pursuant to 35 U.S.C. § 285 and justifying treble damages by 35 U.S.C. § 284.

52. If it is determined that this case presents exceptional circumstances within the meaning of 35 U.S.C. § 285, Traxxas requests the Court to award it all reasonable attorneys’ fees and costs incurred in this litigation and pre-judgment and post-judgment interest pursuant to 35 U.S.C. §§ 284 and 285.

JURY DEMAND

53. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Traxxas respectfully requests that this Court enter a judgment in its favor and against Defendants HobbyKing Corp. and HobbyKing LLC as follows:

1. A permanent injunction against Defendants, enjoining them, their respective directors, officers, agents, employees, successors, subsidiaries, assigns, and all persons acting in privity, concert, or participation with Defendants, from making, using, selling, or offering for sale in the United States, or importing into the United States, any and all products and/or services embodying the patented inventions claimed in the Patents-in-Suit;
2. Damages for infringement of Traxxas' '460 patent pursuant to 35 U.S.C. §§ 281 and 284;
3. Damages for infringement of Traxxas' '855 patent pursuant to 35 U.S.C. §§ 281 and 284;
4. Damages for infringement of Traxxas' '038 patent pursuant to 35 U.S.C. §§ 281 and 284;
5. Damages for infringement of Traxxas' '536 patent pursuant to 35 U.S.C. §§ 281, 284 and 289;
6. Enhanced damages for willful infringement, pursuant to 35 U.S.C. § 284;
7. Pre-judgment and post-judgment interest at the highest legal maximum rate;
8. Costs, expenses, and fees, including reasonable and necessary attorneys' fees, pursuant to 35 U.S.C. § 285;
9. Payment of costs of suit herein incurred pursuant to, inter alia, 35 U.S.C. § 297(b)(1);
10. Other relief to which Plaintiff Traxxas may be entitled at law or in equity, whether pled or unpled.

Dated: October 29, 2014

Respectfully Submitted,

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